

REMARKS

Claims 1-24 stand rejected in the present application. Claims 1, 21, 22, and 24 have been amended by way of this amended. Claims 1-24 remain pending and at issue.

Claims 1, 5-8, 12-15, 22, and 24 stand rejected under 35 USC §102(b) as being anticipated by Das et al. (U.S. Patent No. 6,847,714).

“A claim is anticipated if each and every element as set forth in the claim is found, either expressly or inherently described, in a single, prior art reference.” *Verdegaal Bros. v. Union Oil Co., of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Amended independent claims 1, 22, and 24 recite a method, a computer usable medium embodying a computer program, and a system, respectively, for performing operator selection. A dialog is initiated between a contact and a call handling system and a language variation spoken by the contact is identified. A skill level is determined with respect to the language variation for each operator within a set of operators following the initiation of the dialog between the contact and the call handling system. The skill level for each operator within the set of operators is determined on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator. An operator is selected whose skill level in the language variation is above a predetermined value and the dialog with the contact is transferred to the operator.

Das et al. generally discloses matching a communicant with a call-center agent. Upon the connection of a communicant with the call center, a voice sample of the communicant is collected. The voice sample is analyzed to determine communicant attributes, such as for example, the language, the accent, and the degree of the accent. A call distribution algorithm is used to

compare the communicant attributes against agent skill attributes to select the agent that is best qualified to handle the call with the communicant.

However, Das et al. does not disclose identifying a language variation spoken by the contact and determining a skill level with respect to the identified language variation for each operator within a set of operators *following the initiation of the dialog between the contact and the call center* as recited by the claims at issue. Furthermore, Das et al. does not teach determining the skill level for each operator within the set of operators on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator as recited by the claims at issue.

Since Das et al. does not disclose each of the elements recited by the claims at issue, it follows that such claims are not anticipated thereby. Accordingly, Applicants respectfully request that the rejection of claims 1, 22, and 24 as being unpatentable over Das et al. be withdrawn. Claims 5-8, and 12-15 depend from independent claim 1 and therefore include all of the elements of independent claim 1. Accordingly, the rejection of claims 5-8, 12-15 should also be withdrawn.

Claims 2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 20, 21 and 23 stand rejected under 35 USC §103(a) as being unpatentable over Das et al. and one or more of Bala (U.S. Patent No. 6,798,876), Bahler et al. (U.S. Patent No. 4,896,358), Mitsa (Image Registration Using Elastic Contours And Internal Landmarks, IEEE Instrumentation and Measurement Technology Conference St. Paul, Minnesota, USA 18-20, 1998), and Gupta (U.S. Patent No. 6,122,361).

The Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of KSR International Co. v. Teleflex Inc., Federal Register, Vol. 72, No. 195, 57526, 57529 (October 10, 2007) (hereinafter referred to as "The Guidelines") defines the following rationale for rejecting a claim as obvious based on a combination of prior art references:

Combining prior art elements according to known methods to yield predictable results

The Guidelines further state that if any of the findings detailed below cannot be made, then this rationale cannot be used to support a conclusion that that the claim would have been obvious to one of ordinary skill in the art.

(1) a finding that the prior art included each element claimed, although not necessarily in a single prior art reference with the only difference between the claimed invention and the prior art being the lack of the actual combination of elements in a single prior art reference;

(2) a finding that one of ordinary skill in the art could have combined the elements as claimed by known methods, and that in combination, each element merely would have performed the same function as it did separately;

(3) a finding that one of ordinary skill in the art would have recognized that the results of the combination were predictable; and

(4) whatever the additional findings based on the Graham factual inquiries may be necessary, in view of the facts of the case under consideration, to explain a conclusion of obviousness.

Amended independent claim 21 recites a method for operator selection. A dialog is initiated between a contact and a call handling system. A set of confidence scores are generated where the confidence scores indicate a likelihood that the contact speaks each language variation within a set of language variations. An inverse distance weighted confidence score is generated for each of the language variations using the confidence score and an inversely weighted distance is generated between the contact and each language variation. A language variation is associated with the contact if that

language variation's inverse distance weighted confidence score is above a predetermined value. A skill level is determined with respect to the language variation associated with the contact for each operator within a set of operators *following the initiation of the dialog between the contact and the call handling system*. The skill level for each operator within the set of operators is determined *on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator*. An operator is selected whose skill level in the language variation associated with the contact is above a predetermined value and the dialog with the contact is transferred to the operator.

Dependent claims 2-4, 9-11, and 16-20 depend from amended independent claim 1 and therefore include all of the elements of claim 1. Dependent claim 23 depends from amended independent claim 22 and therefore includes all of the elements of claim 22.

As discussed above, Das et al. does not disclose identifying a language variation spoken by the contact and determining a skill level with respect to the identified language variation for each operator within a set of operators *following the initiation of the dialog between the contact and the call center* as recited by the claims at issue. Furthermore, Das et al. does not teach determining the skill level for each operator within the set of operators on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator as recited by the claims at issue.

Applicants respectfully submit that the above-stated deficiencies of the disclosure of Das et al. with respect to the claims at issue are not cured by the disclosures of Bala, Bahler et al., Mitsa or Gupta.

Bala generally discloses a system for routing a call received from a caller to the most appropriate service representative. The call center maintains caller

profiles and service representative profiles. Upon the receipt of a call from a caller, the call center retrieves the caller profile and compares the caller profile against the service representative profiles to identify the service representative best equipped to handle the call from the caller.

Bahler et al. generally discloses an automatic speech recognition system for determining whether a received speech pattern includes a valid phrase or keyword as opposed to an undesirable utterance.

Mitsa generally discloses the calculation details for determining the value of inverse distance weighted confidence scores.

Gupta generally discloses an automated directory assistance system that combines an acoustical match search with a probabilistic bias. The probabilistic bias is derived from statistical information on the calling patterns of the population. A caller requests a telephone number of a subscriber via a spoken utterance. A speech recognition dictionary includes a plurality of orthographies. Each orthography corresponds to a locality name of a possible residence of the subscriber. The system performs a pass on the basis of the acoustic characteristics of the orthographies in the speech recognition dictionary. The orthographies are then weighted based on the geographic location of the caller.

Since Das et al., Bala, Bahler et al., Mitsa and Gupta either alone, or in combination, fail to disclose identifying a language variation spoken by the contact and determining a skill level with respect to the identified language variation for each operator within a set of operators *following the initiation of the dialog between the contact and the call center* where the skill level for each operator within the set of operators is determined on a real time basis while each operator is engaged in a dialog with a contact that has been transferred to that operator as recited by the claims at issue, it is therefore evident that the claims are not obvious thereover. Accordingly, Applicants respectfully request that the rejection of claims 2, 3, 4, 9, 10, 11, 16, 17, 18, 19, 20, 21 and 23 as being unpatentable over Das et al. and in view of one or more of Bala, Bahler et al., Mitsa and Gupta be withdrawn.

For the foregoing reasons, reconsideration and withdrawal of the rejection of the claims at issue and allowance thereof are respectfully requested.

Respectfully submitted,

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